

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

LEARNING RESOURCES, INC., AND HAND2MIND, INC.,
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, IN HIS OFFICIAL
CAPACITY; KRISTI NOEM, SECRETARY OF THE DEPARTMENT OF HOMELAND
SECURITY, IN HER OFFICIAL CAPACITY; UNITED STATES DEPARTMENT
OF HOMELAND SECURITY; SCOTT BESSENT, SECRETARY OF THE
TREASURY, IN HIS OFFICIAL CAPACITY; UNITED STATES DEPARTMENT
OF THE TREASURY; HOWARD W. LUTNICK, SECRETARY OF
COMMERCE, IN HIS OFFICIAL CAPACITY; UNITED STATES DEPARTMENT
OF COMMERCE; PETE FLORES, ACTING COMMISSIONER OF CUSTOMS &
BORDER PROTECTION, IN HIS OFFICIAL CAPACITY; UNITED STATES
CUSTOMS AND BORDER PROTECTION; JAMIESON GREER, U.S.
TRADE REPRESENTATIVE, IN HIS OFFICIAL CAPACITY; AND OFFICE OF THE
UNITED STATES TRADE REPRESENTATIVE,
Defendants-Appellants.

On Appeal from the United States District Court for the District of
Columbia, No. 25-cv-01248-RC

**UNOPPOSED MOTION TO DEFER RULING ON
MOTION TO EXPEDITE APPEAL**

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Pursuant to Federal Rule of Appellate Procedure 27 and D.C. Circuit Rule 27(e), Plaintiffs Learning Resources, Inc. and hand2mind, Inc. respectfully move this Court to defer ruling on Plaintiffs' Unopposed Motion to Expedite The Appeal, Doc. No. 2119297 ("Motion to Expedite"). Plaintiffs have conferred with Defendants, who do not oppose this motion, but reserve the right to respond to future changes Plaintiffs propose to the schedule originally proposed in the Motion to Expedite.

As explained more fully in the Motion to Expedite, the district court on May 29, 2025 preliminarily enjoined Defendants from collecting from Plaintiffs certain tariffs the President imposed under the International Emergency Economic Powers Act ("IEEPA"). On June 3, the day after the government moved to stay that decision in both this Court and the district court, the district court entered a stay of its injunction pending appeal. Plaintiffs thereafter filed the Motion to Expedite, which was based on a negotiated schedule. That Motion remains pending.

In a related lawsuit brought by different plaintiffs challenging Defendants' IEEPA tariffs, on May 28 the Court of International Trade ("CIT") issued a decision concluding that it had exclusive jurisdiction over actions challenging the President's tariffs imposed pursuant to IEEPA. *V.O.S. Selections, Inc. v. United States*, No. 25-00066, 2025 WL 1514124 (Ct. Int'l Trade May 28, 2025). The CIT further concluded that IEEPA does not authorize the President's sweeping global tariffs and

permanently enjoined them. *Id.* at *22. On May 29, the Court of Appeals for the Federal Circuit issued an administrative stay of the CIT's injunction and set a briefing schedule to consider the Government's motion to stay the CIT's permanent injunction, with the Government's reply due today (June 9). *See* Dkt. No. 7, No. 25-1812 (Fed. Cir. May 29, 2025).

With briefing on the Government's stay motion now concluded in the Federal Circuit, the Federal Circuit will imminently decide that motion and likely also set a schedule for merits briefing in that court. Given the relationship between the two cases, Plaintiffs believe it may make sense to align merits briefing in this Court and in the Federal Circuit. Because just one of the lower courts—either the district court below or the CIT—has jurisdiction over challenges to IEEPA, the cases will likely be considered in tandem by the U.S. Supreme Court in the next phase.

Plaintiffs therefore respectfully request that this Court defer consideration of its pending Motion to Expedite until the Federal Circuit rules on the Government's stay motion and issues a schedule for briefing on the merits, if any. Plaintiffs will file a supplemental notice promptly upon the Federal Circuit's resolution of the Government's stay motion.

Respectfully submitted,

/s/ Pratik A. Shah

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June 9, 2025

CERTIFICATE OF COMPLIANCE

The foregoing motion is in 14-point Times New Roman proportional font and contains 440 words, and thus complies with Federal Rule of Appellate Procedure 27(d)(1)-(2).

/s/Pratik A. Shah

Pratik A. Shah

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2025, I electronically filed the foregoing with the Clerk of the Court of the U.S. Court of Appeals for the District of Columbia using the appellate CM/ECF system.

/s/ Pratik A. Shah
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